

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**JOSE RODRIGUEZ,**

**Plaintiff,**

**v.**

**9:04-CV-358  
(FJS/GHL)**

**GLEN S. GOORD, Commissioner for NYS  
Department of Correctional Services; THOMAS  
G. EAGEN, Inmate Grievance Program Director  
for NYS Department Correctional Services;  
HOWARD DEAN, Director of Inmate Industry  
Cook-Chill for NYS Department of Correctional  
Services; KEVIN BOWEN; ROBERT LANGDON;  
NICHOLAS GUALTIERI; RALPH FONDARIO,  
Food Administrator Supervisor of Inmate Industry  
Cook-Chill for NYS Department of Correctional  
Services; DR. RAJA MARA, Medical Director of  
NYS Oneida Correctional Facility for NYS  
Department of Correctional Services; NURSE  
BARBARA DESTITO; NURSE REBECCA  
BURDIC, and ONEIDA CORRECTIONAL  
FACILITY, NYS Department of Correctional  
Services (1-25),**

**Defendants.**

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**APPEARANCES**

**JOSE RODRIGUEZ**

**02-R-2568**

Mid-State Correctional Facility  
P.O. Box 2500  
Marcy, New York 13403  
Plaintiff *pro se*

**OF COUNSEL**

**OFFICE OF THE NEW YORK  
STATE ATTORNEY GENERAL**  
The Capitol  
Albany, New York 12224  
Attorneys for Defendants

**KATE H. NEPVEU, AAG**

**SCULLIN, Chief Judge**

**ORDER**

Currently before the Court is Plaintiff Jose Rodriguez' amended complaint, *see* Dkt. No. 27, which he submitted in compliance with this Court's February 7, 2005 Order, *see* Dkt. No. 25. Since Plaintiff's amended complaint appears to address the concerns that the Court expressed in its prior Order, it may properly be filed with the Court.

Accordingly, the Court hereby

**ORDERS** that the Clerk of the Court amend the Court's Docket for this case to reflect that "Ralph Fanderio" is actually "Ralph Fondario" and that "Bobby Ladin" is actually "Robert Langdon;" and the Court further

**ORDERS** that the Clerk of the Court amend the Court's Docket for this case to reflect the caption and the parties as listed in the amended complaint, *see* Dkt. No. 27; and the Court further

**ORDERS** that Plaintiff serve a copy of his amended complaint on counsel for Defendants Goord, Eagen, Dean, Langdon, and Fondario within **thirty (30) days** of the filing date of this Order; and the Court further

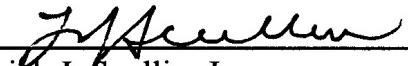
**ORDERS** that the Clerk of the Court forward a copy of this Order to the United States Marshal and issue summonses and forward them, together with copies of the amended complaint, to the United States Marshal for service upon Defendants Bowen, Gualtieri, Mara, Destito, and Burdic; and the Court further

**ORDERS** that Defendants or their counsel file a formal response to Plaintiff's amended complaint as provided for in the Federal Rules of Civil Procedure; and the Court further

**ORDERS** that the Clerk of the Court serve a copy of this Order on the parties in accordance with this Court's Local Rules.

**IT IS SO ORDERED.**

Dated: November 16, 2005  
Syracuse, New York

  
Frederick J. Scullin, Jr.  
Chief United States District Court Judge